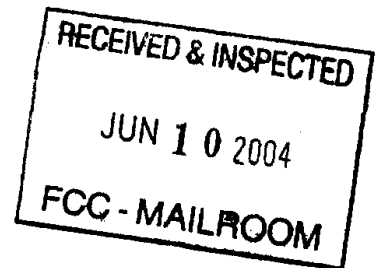


WATSON ELEMENTARY SCHOOL

101 SCHOOL DRIVE
PO BOX 10
WATSON, OK 74963
580-244-3327

JUNE 4, 2004

FCC, OFFICE OF THE SECRETARY
445 12TH STREET SW
WASHINGTON, DC 20554



DEAR FCC,

PLEASE ACCEPT THIS LETTER AS AN OFFICIAL APPEAL OF THE ADMINISTRATOR'S DECISION ON APPEAL-FUNDING YEAR 04-05 LETTER DATED JUNE 1, 2004 WHICH IS ATTACHED. (APPLICATION NUMBER: 394230) **CC DOCKET NO.02-6**. I HAVE NOT YET RECEIVED THE FINAL REJECTION LETTER ON MY OTHER APPLICATION, #398535, BUT AM ADDRESSING BOTH IN THIS LETTER, AS I EXPECT IT SHORTLY.

AS YOU CAN SEE BY THE ATTACHMENTS, I COMPLETED THE ONLINE APPLICATIONS 471 WITHIN THE REQUIRED TIME FRAME, AND **THOUGHT** THAT I HAD CERTIFIED THEM ELECTRONICALLY UPON COMPLETION, (THIS WAS MY FIRST TIME TO DO AN ONLINE APPLICATION, THE PREVIOUS YEAR HAD BEEN DONE ON PAPER, AND THAT WAS MY FIRST TIME EVER TO APPLY FOR E-RATE).

I THEN RECEIVED REJECTION LETTERS FROM THE SLD DATED FEBRUARY 17 ON APPLICATION # 398535 AND FEBRUARY 18 ON APPLICATION # 394230; THIS WAS MY FIRST INDICATION THAT THE ELECTRONIC CERTIFICATION HAD NOT BEEN DONE CORRECTLY. ON FEBRUARY 19 AND FEBRUARY 23 I FILED APPEALS WITH THE SLD, AND IN THOSE MAILINGS, SENT PAPER COPIES OF CERTIFICATION.

ON THURSDAY JUNE 3, I RECEIVED THE ADMINISTRATOR'S DECISION ON APPEAL, DENYING OUR 471. (ALTHOUGH I HAVE NOT YET RECEIVED THE DENIAL LETTER FOR APPLICATION NUMBER 398535, I FEEL SURE IT IS COMING NEXT, AND WANTED TO GET THIS APPEAL TO YOU AS SOON AS POSSIBLE, AND HAVE IT ADDRESS BOTH DENIALS. I WILL RESEND THIS LETTER WITH THE SECOND DENIAL AS SOON AS I RECEIVE IT.)

WHAT CAN I SAY? I SCREWED UP ON THE ELECTRONIC CERTIFICATION, EVEN THE SLD ADMITS THAT THEY GOT THE APPLICATION ON TIME, AND THAT IT WAS COMPLETED CORRECTLY, MY ONLY ERROR WAS NOT KNOWING HOW TO DO AN ELECTRONIC CERTIFICATION CORRECTLY, AND ASSUMING THAT WHEN I PUSHED THE BUTTONS, IT WAS ACTUALLY CERTIFIED!

No. of Copies rec'd
10/10/04

A handwritten signature, possibly "J. Adams", written in dark ink.

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I WISH YOU COULD HAVE SEEN THE FACES OF OUR CHILDREN AT THE WATSON SCHOOL THIS YEAR, WHEN WE FINALLY, THROUGH WEYERHAEUSER GRANTS, WERE ABLE TO PUT TOGETHER A COMPUTER LAB AND ALLOW THEM INTERNET ACCESS. THESE KIDS ARE TREMENDOUSLY BELOW THE POVERTY LEVEL, AND ISOLATED FROM THE REST OF THE WORLD, AS WATSON IS AN HOUR'S DRIVE FROM THE NEAREST OKLAHOMA TOWN. THE LAB PROVIDED OPPORTUNITIES FOR THEM TO LEARN AND EXPLORE IN WAYS MOST OF THEM HAVE NEVER EVEN IMAGINED. INTERNET ACCESS HOLDS SO MUCH PROMISE FOR THESE KIDS, PROVIDING THEM WITH HOPE THAT THEIR LIVES CAN INDEED BE BETTER THAN THE POVERTY AND LACK THEY HAVE ALWAYS KNOWN. OUR STUDENTS ARE EXACTLY THE KIND OF STUDENTS FOR WHOM THIS GRANT SYSTEM WAS DESIGNED. PLEASE DON'T LET A MISTAKE TAKE THIS FROM THEM.

PLEASE PUNISH ME. PLEASE, DO WHATEVER YOU HAVE TO, TO THE PERSON WHO MADE THE ERROR. I ADMIT THAT I MADE A STUPID MISTAKE, BUT PLEASE, PLEASE...DON'T PUNISH THE STUDENTS OF THE WATSON SCHOOL. THERE IS NO WAY OUR SCHOOL CAN AFFORD INTERNET ACCESS WITHOUT E-RATE HELP.

IF THERE IS ANYTHING MORE I CAN DO, PLEASE DO NOT HESITATE TO CALL ME AT SCHOOL, OR MY HOME NUMBER IS 479-243-9245. I WILL DO ANYTHING I CAN TO RIGHT THIS WRONG. IN SPEAKING WITH FOLKS AT THE SDL CUSTOMER SERVICE AREA OVER THE PAST TWO DAYS, I LEARNED THAT OTHERS TOO HAD THIS PROBLEM WITH THINKING THE ONLINE CERTIFICATION HAD GONE THROUGH WHEN INDEED IT HAD NOT. PERHAPS THERE WAS SOME SORT OF TECHNICAL PROBLEM OR, IT COULD JUST BE USER ERROR...I'LL BE THE FIRST TO ADMIT, I AM NOT A COMPUTER WHIZ!

THANK YOU FOR YOUR ATTENTION AND HELP WITH THIS MATTER.

A handwritten signature in cursive script, reading "Cindi Hernandez". The signature is fluid and stylized, with a long horizontal flourish extending from the end.

CINDI HERNANDEZ
SUPERINTENDENT



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal - Funding Year 2004-2005

Cherokee County
School District 56
10000 Highway
P.O. Box 1000
Waynesville, NC 27586

Re: Funded Entity Number: 140434
Application Number: 394230
Funding Request Number(s): 1078393, 1078406, 1078417, 1078423, 1078434
Your Correspondence Received: February 23, 2004

After a thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made a decision regarding your appeal of the SLD's Funding Year 2004 Form 471. The SLD's Rejection Letter for the application number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day period for forwarding the decision to the Federal Communications Commission (FCC). If your letter contained more than one application number, please note that for each application number, an appeal is submitted, a separate letter is sent.

Funding Request Number(s): 1078393, 1078406, 1078417, 1078423, 1078434

Decision on Appeal: **Denied in full**

Explanation:

- In your appeal letter, you state that you are confused as to what has happened with the Form 471 this year. You state that you filed the Form 471 online and also mailed it in. You also mailed in a copy of the online form with the Item 21 attachments that were mailed in. Then, you received a rejection letter. You say you thought you did the submission online but apparently have messed up the process. You would like to correct this error by using the right form, if the Schools and Libraries Division would just tell you which form is the right form.
- Upon thorough review of the appeal letter, the SLD finds that you did not submit a signed Block 6, Certification and Signature page with the copy of the online version of the Form 471, received January 20, 2004. While reviewing the appeal, the printout of the online Form 471 that was sent in with the Item 21 attachments was not used.

→ This form is for the correct year and is dated 1/7/2004 in the lower right-hand corner. It appears that there was a misunderstanding in that you were only sending in the copy of the online form as a hard copy, not submitting another Form 471 to be data entered. Hence, there is not a Minimum Processing Standard error for not using the OMB-approved form when you file the application online. The fact that the application was filed online is supported by the information on the internal system of the SLD. However, the page that is signed is not the Block 6 Certification page. Therefore, this is not the documentation necessary to certify the Form 471 and the form was not electronically certified. Thus, only 1 of the 2 Minimum Processing Standards errors has been cleared. Therefore, since the Form 471 was not certified before the close of the filing window on February 4, 2004, the form was correctly rejected. The appeal is therefore denied.

- Consistent with the FCC decision in South Barber Unified School District, the signature certification is fundamental to the administration of the program. SLD relies on the signature certification to establish the authority of the signer to represent the applicant. Signature certifications ultimately satisfy the program's policy objective of binding the applicants and service providers to the program requirements. Failing to submit a signature certification omits the legally binding act that signifies compliance with program rules.¹
- On February 25, 2004, you sent an appeal along with a corrected Block 6 certification page. In accordance with the South Barber decision, the purpose of a filing window is to put all applicants who file within the window on equal footing.² Allowing applicants to correct their applications and resubmit them after the window has closed would eliminate any incentive to comply with SLD's document demands in a timely fashion, and could jeopardize SLD's ability to accurately apply the rules of priority in years where requests for funding exceed the annual funding cap.³ Therefore, your appeal is denied in full and your application will not be data entered.

If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

¹ *Request for Review of the Decision of the Universal Service Administrator by South Barber Unified School District 255, Changes to the Board of Directors of the National Exchange Carriers Association, Inc.*, File No. SLD-158897, CC Dockets No. 96-45- and 97-21, Order, DA 01-2233 (Com. Car. Bur. Rel. Oct. 23, 2001).

² *Id.*

³ *Id.*

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company



Universal Service Administrative Company
Schools & Libraries Division

March 4, 2004

Cindi Hernandez
Watson Elementary School
101 School Drive
P.O. Box 10
Watson, OK 74963

The Schools and Libraries Division of the Universal Service Administrative Company has received your correspondence dated February 23, 2004 on March 1, 2004 regarding the 2004-2005 funding decision on your 471 application 394230. These are the steps that will now follow:

1. We will review your correspondence carefully to identify the specific issue(s) it raises.
2. We will consult the program integrity assurance records and all supporting documentation for the application. Our goal is to determine whether the program rules were administered appropriately in processing your application.
3. Once the review process is completed we will respond in writing and state whether your appeal is approved, denied or approved in part. We will then follow with a funding commitment decision letter for any approved appeal resulting in additional discounts for your application. Funds have been set aside to implement funding decisions for appeals approved by the SLD and/or the Federal Communications Commission.

We have begun an in-depth review of the appeals we have received, and our goal is to respond to you as promptly as possible. We thank you in advance for your patience as we handle your case with the care and attention it deserves.

Schools and Libraries Division
Universal Service Administrative Company

